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THE

YOUNG CITIZEN'S

CATECHISM.

THE

YOUNG CITIZEN'S CATECHISM,

EXPLAINING

THE DUTIES

OF

DISTRICT, TOWN, CITY, COUNTY, STATE, AND UNITED STATES OFFICERS.

TOGETHER WITH

Rules for Parliamentary and Commercial Business.

DESIGNED FOR SCHOOLS.

BY ELISHA P. HOWE.

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PREFACE.

A MAJORITY of the children of a community or of a state enjoy only the opportunities afforded by common schools before entering upon the duties of real life; and equally true is it, that this majority, who wield so mighty an influence over a state or nation, almost invariably leave the school-room and enter the various pursuits of life with but little or no knowledge of the practical principles that underlie the workings of all ordinary business transactions, and much more, of the government of the state or nation. In this respect, it is to be regretted that our common schools have not heretofore been more thoroughly practical,—most teachers having never been taught, and, having no text-book from which to teach, have passed over this important matter.

though convinced that their pupils cannot be prepared for independent thought and action in any direction until they first learn it out of the school-room.

Now this little volume is intended to supply the deficiency which has heretofore existed in this direction, in our school system; and, instead of placing before the learner a large volume of confused matter, beyond the reach of his comprehension, the author has endeavored to suit it to his capacity, as well as to the capacity of the teacher, and is hopeful that it may be at once interesting and the means of inaugurating a system of business education.

In conclusion, the author desires to make acknowledgment of the valuable services rendered by Cornell Crysler, Esq., in the preparation of this work.

E. P. H.

MARCELLUS, N. Y.

CONTENTS.

Part First.

SECTION I.—CIVIL DIVISIONS, ... 11

SECTION II.—VILLAGES AND CITIES, ... 14

SECTION III.—TOWNS, ... 23

SECTION IV.—COUNTIES, ... 33

SECTION V.—CHAP. I.—STATES, ... 47

" CHAP. II.—REPRESENTATIVE OFFICERS, 48

" CHAP. III.—JUDICIARY, ... 58

" CHAP. IV.—EXECUTIVE, . . . 61

SECTION VI.—CHAP. I.—UNITED STATES, . . 71

" CHAP. II.—JUDICIARY, . . . 83

" CHAP. III.—EXECUTIVE, ... 87

DECLARATION OF INDEPENDENCE, ... 98

CONSTITUTION OF THE UNITED STATES, . . . 108

Part Second.

PARLIAMENTARY PRACTICE, ... 1

Part Third.

SECTION I.—PROMISSORY NOTES AND BILLS OF EXCHANGE, ... 156
SECTION II.—DEEDS, ... 170
SECTION III.—MORTGAGES, ... 177
SECTION IV.—WILLS, ... 182
TABLE ON INTEREST, ... 188

THE

YOUNG CITIZEN'S CATECHISM.

Part First.

SECTION I.

CIVIL DIVISIONS.

How is the state of New York divided for civil and municipal purposes?*

Into counties, towns, cities, and villages.

How for judicial and representative purposes?

Into districts.

How for school purposes?

Into school districts.

How are school districts erected by law?

The power to alter, annul, and form new districts lies with the school commissioners.

* Although the questions refer to the State of New York, they apply to most other states of the Union.

What officers are to be elected in each school district?

A district clerk, one (or three*) trustee, a collector, and a librarian.

To what pay are school district officers entitled?

To none, except the collector, who receives one per cent. on all sums of money paid before the expiration of fourteen days after receiving his warrant, and five per cent. on all sums collected after fourteen days, and, in case of a levy and sale, travelling fees at the rate of six cents per mile, to be computed from the school-house in his district.

For how long a time are school district officers elected?

For one year, except where there are three trustees, when they (the trustees) are elected for a term of three years.

What are the duties of the collector?

To obey the directions contained in his warrant. See Code of Public Instruction, p. 291.

What are some of the duties of trustees?

To see to the property of the district, hire teachers, make out taxes, and keep the school-house in repair.

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* As the district shall determine.

Where may the duties of trustees be found in full?

In the Code of Public Instruction, p. 241.

What are the duties of the district clerk?

To keep a record of the proceedings of the district meetings, and to preserve all books and papers belonging to the clerk.

Where may his full duties be found?

On p. 240 in the Code of Public Instruction.

What duties are required of the librarian?

To take charge of the books belonging to the district, and report their number and condition to the trustees.

Where may the duties of the librarian be found in full?

In the Code of Public Instruction, p. 328.

Where may be found the regulations concerning the use of books in district libraries, as prescribed by the superintendent of public instruction?

In the Code of Public Instruction, p. 331.

Can the offices of trustee and librarian be held by the same person?

They can not.

SECTION II.

VILLAGES AND CITIES.

What is an incorporated village?

It is a collection of houses and inhabitants, holding a charter from the state, and having power to make local laws.

What are its officers?

A board of five trustees, one of whom they elect as president; a clerk; three assessors; a collector; a pound-master; a treasurer; fire wardens, not exceeding five; and three street commissioners, when such village shall be a separate road district.

Must such officers take and subscribe the constitutional oath of office?

They must, and file the same with the clerk of such village, within ten days after notice of his election.

How long is their term of office?

One year.

What are the general duties of the trustees?

To provide for the care of public property;

to see that the village officers perform their duties; to fix the compensation of the officers. They also make by-laws for the regulation of the village.

What compensation do they receive?

They do not receive pay.

What are the general duties of clerk?

He shall have the custody of records, books, and papers of such village, attend all meetings of the trustees, and record the proceedings, file all papers, record all matters which he shall be required to record, attend all meetings of the electors of such village, and keep poll-list, and perform such other duties as shall be lawfully imposed on him by the by-laws.

How is he paid?

His compensation is to be fixed by the by-laws of such village, which shall not exceed the compensation allowed to the town clerk for similar services.

What are the general duties of assessors?

They shall assess all sums of money to be raised by tax in such village, in the same manner, as nearly as practicable, as town

assessors, and they shall deliver the same to the trustees of such village within sixty days after the meeting at which such tax was directed to be raised.

How are they paid?

They shall receive a compensation to be fixed by the by-laws of such village, which shall not exceed the compensation allowed to town assessors for similar services.

What are the duties of collector?

He shall execute to such village, by its corporate name, and deliver to the trustees thereof, a bond, with sureties approved by them, conditioned for the faithful performance of his official duties; he shall collect all sums of money required of him to collect, and pay over the same to the treasurer of such village, and make a written return of his warrant to the trustees.

How is he paid?

He shall receive a compensation, to be fixed by the by-laws of such village, which shall not exceed the compensation of the town collector for similar services.

What are the general duties of pound-master?

To restrain all animals which he shall find going at large in such village, in violation of the by-laws thereof, and keep them in his custody until they shall be disposed of according to law.

How is he paid?

He is paid by fees, and also receives a reasonable compensation for feeding such animals.

What are the general duties of treasurer?

To execute a bond to such village by its corporate name, with sureties to be approved by the board of trustees, conditioned for the faithful performance of his official duties. He shall receive, and safely keep and pay out, all moneys belonging to such village, and keep account of the same, and preserve all vouchers filed in his office, and exhibit the same with his book of accounts at every annual meeting of the electors of such village, and at every special meeting when required to do so by any trustee.

How is he paid?

He shall receive such compensation as is

fixed by the by-laws of the village, which compensation shall not exceed the compensation of the county treasurer for similar services.

What are the general duties of fire wardens?

From time to time to examine the apparatus for extinguishing fires in such village, and report their condition to the trustees; attend fires, and give directions in respect to the manner of extinguishing the same; and they may, in the day-time, enter any building in which there shall be a fire-place, stove, or stove-pipe, for the purpose of examining the same, or upon any premises where ashes are kept; and if they shall find any fire-place, stove, stove-pipe, or place for keeping ashes, unsafe, they shall report the same to the trustees.

Are they entitled to any compensation?

They are not.

What are the general duties of street commissioners?

They shall, under the direction of the trustees, superintend the making and repairing of side-walks, the expenditure upon the streets

of such village of the money raised for that purpose, and they shall perform the duties of the overseers of highways in such village.

How are they paid?

They shall receive such compensation as shall be fixed by the by-laws of such village, not exceeding the compensation allowed to overseers of highways.

Are there any other officers belonging to a village?

The foregoing are those provided by statute, but others may be elected if any charter shall provide for their election.

How are cities formed?

They are erected from villages by an act of the legislature.

How are cities divided?

Into wards.

Do all cities elect the same officers?

They do not.

What officers do all cities elect?

A mayor and board of aldermen.

For how long a term are mayors elected?

One year; except in New York and Al-

bany counties, where they are elected for a term of two years.

Are the duties of mayor and other officers the same in all cities?

They are not, but are governed by their several charters.

What general duties devolve upon mayors of all cities?

He is the executive officer of the city, presides at the meeting of the common council, may perform marriage ceremony, cause to be kept all laws made for the preservation of the peace, issue process for the apprehension of persons charged with any offence, and examine vagrants brought before him.

What are the duties of policemen?

To arrest persons upon a process and bring them before police justice, take charge of prisoners, take them to the county jail, and such other duties as may devolve upon them from the laws of the city.

What other officers are elected in some cities?

A clerk, recorder, and marshal.

What are their general duties?

Their duties are peculiar to the charter and by-laws which create them.

By whom are commissioners of deeds appointed?

The common council.

What are their general duties?

To take the proof and acknowledgment of conveyances of real estate, and the discharge of mortgages, to take the acknowledgment of bail in any action in the supreme court, or of satisfaction of judgments in the court of common pleas, in their own county, and perform such duties as the law of the city enjoins.

What is the compensation of city officers?

It is such as their ordinances shall determine.

What are the duties of aldermen?

They shall examine beggars and vagrants brought before them, and cause to be kept all laws for the preservation of the peace; they have power and they issue process for the apprehension of persons charged with crime.

What body do the mayor and aldermen form?

The common council.

What are the duties of the common council?

They form the legislative body for the enactment of city laws, appoint and regulate the police, and such other duties as may devolve upon them by virtue of their charter.

Of what does the police consist?

A police justice, the chief of police, and policemen.

What are the duties of police justice?

To try persons brought before him charged with crime, and render a decision according to the evidence given.

What are the duties of the chief of police?

He is, under the mayor, chief executive of the police department; he should see that the ordinances of the common council are obeyed, and have general direction of the police.

Are any other officers elected in cities?

A supervisor is elected from each ward; and such others as may be required by each charter.

SECTION III.

TOWNS.

How are towns erected?

By the legislature, until 1849, when power was given to the several boards of supervisors, except in New York county, by a vote of all the members elected, to divide or alter the bounds of any town, or erect new ones when such division does not place parts of the same town in more than one assembly district.

Where are the survey and map of alteration or erection filed?

In the office of the secretary of state.

What officers are elected in each town not excepted by statute?

A supervisor, town clerk, three assessors, a collector, one (or three*) commissioner of highways, four justices of the peace, constables not exceeding five, one (or two*) overseer of the poor, a sealer of weights and measures, two inspectors of election, one overseer of highways in each road district, and as many pound-masters as the electors shall determine.

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* As the electors may determine.

How are town officers elected?

The supervisor, town clerk, assessors, collector, overseers of the poor, commissioners of highways, and constables shall be elected by ballot.

How shall the remainder be chosen?

Either by ballot, by ayes and noes, or by the rising or the dividing of the electors.

For how long a term are town officers elected?

The assessors and highway commissioners* are elected for three years, the justices of the peace for four years, and all others for one year.

How are town officers paid?

By fees, or a per diem allowance for the time employed.

What are some of the general duties of supervisors?

To receive and disburse the school and certain town moneys; to sue for certain penalties given to his town; to keep account of moneys received and disbursed by him; to account annually to justices and town clerk; to attend meetings of the board of

* Where there is but one highway commissioner, he is elected for one year.

supervisors of his county; to receive acts to be laid before the board; to lay before the board of supervisors copies of entries received from the town clerk; to cause survey and map of his town to be made, when required by the state engineer and surveyor, under a forfeiture of fifty dollars; they also form the board of county canvassers.

What are some of the general duties of town clerk?

To keep records, books, and papers of the town, and to file papers; to record minutes of the proceedings of town meetings; to deliver certified copies of certain entries to the supervisor; to return to county clerk names of the constables elected in his town, under a fine of ten dollars; to certify to copies of papers and transcripts.

Who administers the oath of office to a justice of the peace?

The county clerk.

When does his term commence?

Upon the first day of January; unless he is elected to fill a vacancy.

What are some of his powers and duties?

He may take acknowledgment of conveyances, administer oaths, issue a process against others, hold courts; he must meet with the town board to audit town accounts, and attend town meeting; and one of their number must preside and keep order.

What officers compose the town board?

The supervisor, town clerk, and justices of the peace.

How is the justice paid?

By fees.

What is his jurisdiction?

His territorial jurisdiction extends throughout the county for which he is elected, but he must reside in the town for which he is chosen; and some of the parties, when residents of the county, must reside in the same or adjoining town with the justice, and must not be related within the ninth degree of consanguinity or affinity; and the recovery must not exceed one hundred dollars.

What are the general duties of assessor?

They may divide the town into convenient assessment districts; and between the first

days of May and July in each year shall, by inquiry, ascertain the names of all the taxable inhabitants in the town, and the taxable property, real or personal, within the same.

They shall prepare an assessment roll, in which they shall set down in four separate columns, as follows:

In the first column, the names of all the taxable inhabitants in the town.

In the second, the quantity of land to be taxed to each person.

In the third, the full value of such land.

In the fourth, the full value of all the taxable personal property owned by such persons, after deducting the just debts owing to them.

They may, if they deem it necessary, direct a survey of non-resident lands.

They shall complete their roll on or before the first day of August in each year; and, upon its completion, they shall post notices in three or more public places, stating that they have completed their assessment, and that a copy of it is in possession of one of the assessors, where it can be examined until the third Tuesday of August.

What may a person do if he considers the assessment of his property greater than its real value?

He can appear before the assessors upon the third Tuesday of August, and be heard by them, showing cause why he should not be thus assessed.

What are some of the duties of the commissioners of highways?

They have the care of highways and bridges, direct repairs, regulate roads laid out and lay out new ones, alter them, direct roads used twenty years without record to be recorded, keep bridges in repair, divide towns into road districts, assign inhabitants to each district, require overseers to warn when they think proper, account to the town board, deliver a statement of necessary improvements, cause mile-stones to be erected, cause guide-posts to be erected on post roads, and shall forfeit ten dollars for refusing to prosecute overseers.

Under whose care are roads and bridges, more immediately?

An overseer of highways.

What are his general duties?

To notify persons, liable to appear upon the road, to work their tax, to see that the taxes are faithfully worked, to keep roads in good condition, to report to one of the commissioners just previous to town meeting a faithful account of the work performed in his district.

How many road districts may there be in a town?

As many as the commissioners of highways determine.

From whom do the overseers receive tax lists?

The commissioners of highways.

Do they receive pay?

They do not.

What are the duties of overseer of the poor?

To provide for the support of indigent persons.

How many constables may any town elect?

Any number not exceeding five.

What are their powers and duties?

To serve process, to make arrests, to take charge of criminals and bring them to court, to attend higher courts upon the order of the

sheriff, and to lodge persons in jail when sentence shall have been passed.

What is necessary before the collector can enter upon the execution of his duties?

He must execute a bond.

What are its conditions?

It must be to the supervisor of the town, with one or more sureties approved of by the supervisor, in double the amount to be collected, and for the faithful execution of his duties.

Suppose he fail to execute a bond within the proper time?

The office shall be deemed vacant.

How may the vacancy be filled?

The supervisor and any two justices may appoint.

What are some of his duties?

To obey the directions contained in his warrant, and immediately on the receipt of the warrant, to post notices in five public places where he will receive taxes.

How is he paid?

He has one per cent. on all moneys that are paid in to him for the first thirty days after receiving his warrant, and five per cent. on all that are paid thereafter.

How many inspectors of election does each town and ward elect?

Three.

In what manner are they elected?

Each party places in nomination two candidates, and the two receiving the greatest number of votes are elected, and the one who received the greatest number of votes of another party is appointed.

What are some of their duties?

They are to assemble and organize themselves into a board by electing one of their number chairman, administering to each other the oath, duly open the polls and make proclamation of the same, appoint two clerks, administer to them the oath, receive the votes of the electors and deposit them in the boxes, at sunset to declare the polls closed, and then count the votes which each man has received, and report the result to the board of county canvassers.

Suppose a voter is challenged?

The inspectors administer the oath, and if he swears that he is a voter he may deposit his vote.

What officers constitute the board to receive votes at a town meeting?

The justices and town clerk.

Who acts as clerk?

The town clerk.

What are the duties of the town sealer.

To see that the standards of weights and measures are safely kept, and to see that all measures brought to him agree with his standards.

Where does he receive his standards?

From the county sealer.

What is done in case of a failure to elect any town officers?

The justices may appoint any officers except supervisor, overseer of the poor, overseer of the highways, and collector.

SECTION IV.

COUNTIES.

How are counties erected?

By the legislature.

What are the names of the county officers?

Sheriff, county clerk, county treasurer, district attorney, superintendent of poor, loan commissioner, county sealer of weights and measures, four coroners, county judge, keeper of penitentiary or jail, at least one school commissioner for each county, and a surrogate, wherever the population of the county exceeds forty thousand.

How are they elected?

By ballot, at the general annual election, except county sealer of weights and measures, and the keeper of penitentiary or jail, who are appointed by the board of supervisors.

How long do they hold their offices?

The loan commissioners hold their office two years, the judges and surrogate four years, and all others for a term of three years.

Can a sheriff hold any other office?

He can not, and is ineligible to the office again for three years succeeding his term of service.

What are the general duties of the sheriff?

He must file an oath of office in the county clerk's office, and give a bond in the sum of ten thousand dollars;* he shall have custody of the jail of his county; he may call out militia to aid in serving process; he must be present in person or by under-sheriff at the drawing of jurors, and must summon the same; he must execute and return process; he must send to the secretary of state a report of convicts, &c.; he must keep an office for service of papers.

Can he act as counsellor?

He can not.

May he be removed from office?

Yes, on charges.

By whom?

The governor.

May he resign?

* In N. Y. county it is twenty thousand dollars.

He may.

To whom?

To the governor.

How may a vacancy be supplied?

By appointment from the governor until the next general election.

How is the county clerk elected?

By the people, at the general annual election; and he must reside in the county for which he is elected.

Where must his oath of office be filed?

In the office of the clerk of the county for which he is elected, on or before the fifteenth day of January following his election.

Must he appoint a deputy?

Yes.

For how long a term is he elected?

Three years, and shall act until a successor is chosen.

How is he paid?

By fees.

What are his general powers and duties?

He must procure a seal, to be used by him in all cases requiring his official seal; such seal is to be the seal of the county court, and supreme court, except in New York county; his office must be kept within one mile of the court-house, and must be kept open every day in the year, except Sundays and the fourth of July, from 9 A. M. till 12 M., and from 2 P. M. till 5 P. M.; he is to be clerk of supreme court, court of oyer and terminer, and circuit courts, county courts, and courts of sessions, except in New York; he must attend the drawing of jurors, and make return of jurors; he may take affidavits; he must record conveyances and mortgages, and keep indexes to books on record, &c.

May the governor remove the clerk from office?

Yes, on a sufficient charge.

How may a vacancy be supplied?

By appointment from the governor; but the consent of the senate is necessary, if in session.

How is the county treasurer elected?

By the people, at the general annual election.

For how long a term is he elected?

Three years, the term to commence the first of January.

Must he take an oath of office, and give a bond the amount to be fixed by the board of supervisors?

Yes, and file the same in the county clerk's office, the bond to be filed by the fifteenth of December.

What are his general duties?

To receive and pay out moneys of the county, keep an account of receipts and expenditures, transmit annually to the comptroller an account of moneys belonging to the state, and to exhibit his books and accounts to the supervisors.

How is he paid?

He is to receive one half of one per cent. on money he receives, and one half of one per cent. on money he disburses, but his commission is not to exceed five hundred dollars in one year.

How may a vacancy in office be supplied?

By appointment from the board of supervisors till the next general election.

How is the district attorney to be elected?

By the people at the general election.

For how long a term is he elected?

Three years.

Must he reside in the county in which he is elected?

He must.

May he resign?

He may.

To whom?

To the governor.

May another be appointed at his non-appearance at the proper time?

There may.

By whom?

The court.

What are the general duties of the district attorney?

To conduct prosecutions in oyer and terminer, and sessions; to prosecute for penalties and forfeitures that exceed fifty dollars; to

give receipts for moneys received for fines; to file an account annually, and pay over moneys received by him to the county treasurer.

May the partner of the district attorney act for defendant in any proceeding prosecuted by the district attorney?

He may not.

May any person who has acted as public prosecutor defend any proceeding in which he shall have acted for the people?

He may not.

When is a county entitled to a surrogate?

When it has a population of forty thousand.

Who performs his duties in other cases?

The county judge.

How is he elected?

By the people.

Is it necessary that the surrogate execute a bond?

It is.

With how many sureties?

Two.

In what sum?

Ten thousand dollars in the county of New York, and five thousand in all other counties.

Who judges of the sufficiency of the sureties?

The county clerk.

Where are his oath of office and bond to be recorded?

In the office of the county clerk.

What are some of the duties of the surrogate?

To give bonds, receive and pay over fees, take proof of wills, of real and personal property, to grant letters testamentary and of administration, compel return of inventory, revoke letters, direct payment of legacies, compel settlement of accounts by executors, administrators, and guardians, direct distribution, appoint guardians for minors, record wills, &c.

By whom were loan commissioners formerly appointed?

By the governor, with the consent of the senate.

How do they receive their office now?

They are elected by the people.

How long do they serve?

For a term of two years.

Where is their oath of office filed?

In the office of the comptroller.

What are the general duties of loan commissioner?

To receive and loan money belonging to the United States deposit fund, and on all money loaned he shall receive seven per cent. for the state.

How is he paid?

By fees.

At what rate?

Upon any sum not exceeding twenty-five thousand dollars, they may retain three-fourths of one per cent., and upon the further sum they may receive one-half of one per cent., unless it exceed fifty thousand dollars, and in the city of New York, in which case they shall receive but one-fourth of one per cent.

How many coroners are there in each county?

Four.

How long do they hold their office?

Three years.

What are the general duties of coroners?

They shall inquire into all cases where persons have been slain, or mysteriously died, where investigation is deemed necessary; shall have power to call a jury, before whom the investigation shall be held; may issue subpœnas for witnesses; and, in case the jury find that a murder has been committed, they may bind over the witnesses to appear at the next criminal court; deliver to the county treasurer all property found upon the body of any deceased person upon which they shall have held an inquest.

How are coroners paid?

By fees, except for their services in holding an inquest, which shall be audited by the board of supervisors.

How are school commissioners chosen?

By the people, at the general election.

For how long a term?

Three years.

What are his general duties?

To visit all the schools under his care as often as practicable; to inform himself upon all matters as to their management and condition; to advise and counsel district school officers; to alter the bounds of a district; to examine persons presenting themselves as candidates to teach; to grant and annul licenses to teach; to organize and conduct a teachers' institute as often as once in each year; and to report to the superintendent of public instruction the condition of the schools under his care, and such other matter as the superintendent may require.

May any commissioner act as agent for any author, publisher, or bookseller, during his term of office?

He may not; and acting in that capacity shall be considered a violation of his official oath.

May he resign?

He may.

To whom?

The clerk of the county.

Who appoint the board of commissioners of excise?

In the county of N. Y. the chief justice of the superior court, the presiding judge of the court of common pleas, and the recorder of the city; in all other counties, the county judge and justices of the sessions, or a majority of them.

Of what must this board consist?

Three reputable freeholders, who must be residents of the county.

For how long a term are they appointed?

Six years.

What are their general powers and duties?

They shall meet, at the place where the county courts are required to be held, on the third Tuesday of May in each year, and such other days as a majority of the board shall appoint; in the city of N. Y. they may hold a session of fifty days—in all other counties, not longer than ten days—for the purpose of granting licenses to persons to sell spirituous liquors; they may license keepers of inns, taverns, or hotels, to sell liquors to drink upon their premises respectively; they may license storekeepers to sell liquors in quantities less than five gallons, not to be drank on

their premises. In towns and incorporated villages they shall not receive less than thirty nor more than one hundred dollars, and in cities not less than thirty nor more than two hundred and fifty dollars; the whole sums to be paid over to the county treasurer. They may appoint a clerk for the time thay are in session, who, with each member of the board, shall receive three dollars per day.

How do county sealers receive their office?

They are appointed by the board of supervisors.

How long do they hold their office?

During the pleasure of the board.

How are they paid?

By fees.

How is the county judge elected?

By the people.

For how long a term?

Four years.

How is he paid?

By a salary fixed by the board of super-

visors, which shall not be increased or diminished during his term of office.

What are his general duties?

To hold courts of sessions, and to hear appeals from justice courts.

SECTION V.

CHAPTER I.

STATES.

How are states erected?

From territories, by act of congress.

What are the requisites for the formation of new states?

It is discretionary with congress; but this body must conform to secs. 3 and 4 of art. iv. of the constitution.

Into what classes are the officers of the states divided?

Three; representative, judicial, and executive.

Who are the representative officers?

The senators, members of assembly, and their appointees.

Who are the judicial officers?

The officers of all courts.

Who are the executive officers?

The governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, three bank commissioners, three canal commissioners, three state-prison inspectors, and three assessors.

CHAPTER II.

REPRESENTATIVE OFFICERS.

By whom are the members of assembly chosen?

The people.

How many are chosen in the state?

One hundred and twenty-eight.

For how long a time can they draw pay?

Only one hundred days; unless an extra session is called.

What are their general powers and duties?

They may make their own rules, may judge of the qualifications of its members, have power to impeach any civil officer, have power to punish or expel its members. They

shall assemble on the first Tuesday in January, and, in connection with the senate, shall pass such laws as they may wish. They shall be privileged from arrest on civil process during the session, and for fourteen days previous to the opening of the session, and they shall assist in the election of United States senators.

What is their compensation ?

Three dollars per day, and mileage of one dollar for every ten miles of travel to and from the capitol once.

For how long are senators chosen ?

For a term of two years.

How many are there in this state ?

Thirty-two.

What are their general powers and duties ?

They have the same as the members of assembly.

What other duties do they perform ?

They are members of the court for the trial of impeachments, with the governor; they have power to appoint all officers whose appointment is not otherwise provided fo-

May the senators or members of assembly receive the appointment of any civil office during their term of office?

They may not.

May they be elected to a seat in the United States senate?

Not during their term of office.

What is the law respecting the time at which the legislature shall assemble?

The legislature shall assemble at the capitol, in the city of Albany, on the first Tuesday of January of every year. [R. S. 5th ed., sec. 1, title 2d, chapter 7, part 1.]

Who calls the assembly to order?

The clerk of the previous session, who acts as presiding officer until a speaker is chosen.

What are the general duties of the speaker?

In addition to the duties settled upon by parliamentary practice, it is his duty to certify to all bills passed by the house, and the pay bills of the members and officers, and to see that the other officers of the house promptly discharge their duty.

By whom are the other officers sworn?

The speaker.

What is the compensation of the speaker ?

Four dollars per day, and mileage as other members.

What are the general duties of the clerk ?

He takes the minutes, has the care of the records and papers, and is the disbursing officer of the house, under the control of the comptroller.

What compensation does he receive ?

A salary of twelve hundred dollars a year.

How many deputies may he appoint ?

Five; an assistant, a journal clerk, an engrossing clerk, and two others who perform miscellaneous duties.

What are the duties of the assistant clerk ?

To perform such duties as the clerk may desire, and in his absence to perform his duties.

What are the duties of the journal clerk ?

To keep a record of each day's proceedings and read the proof of them while printing, to make copies of the resolutions offered in

the assembly, to keep the registers of bills and the book of general orders, and to properly label all papers presented.

What is the duty of the engrossing clerk ?

To engross all bills and resolutions ordered to a third reading, and see that they are signed by the speaker after their passage ; to deliver them to the clerk of the other house, or to the governor, and make an entry of such delivery.

What are the duties of the senior deputy ?

To keep the pay accounts of members and officers, and make out certificates for *per diem* mileage, and stationery.

What is the duty of the junior deputy ?

To have charge of all papers on file, and keep them conveniently arranged, and deliver them to the officers or to committees.

Under whose directions are the deputy clerks?

The clerk's, who may modify or interchange their duties at his pleasure.

What is the compensation of the deputy clerks?

Six hundred dollars a year each.

What other officers are employed?

A librarian, sergeant-at-arms, postmaster, and each an assistant, a janitor, keeper of the assembly chamber, a door-keeper, and as many assistants as the house or speaker shall deem necessary, and ten messengers authorized by statute, and fifteen additional ones.

At whose hands do the officers receive their appointment?

The clerk, sergeant-at-arms, door-keeper, and his first and second assistants, are elected by the house; the speaker appoints the rest.

What are the general duties of the librarian?

He is to have charge of the assembly library; allow no book to be taken from it except by a member, officer, or reporter of the legislature; he is personally responsible for all books, and must see that all are returned before the final adjournment, and must keep the rooms open from eight o'clock A. M. till nine o'clock P. M., or till the house adjourns.

What are the duties of the sergeant-at-arms?

He is police officer of the house, assists in enforcing order, and sees that the door-keepers perform their duties. He has the care of the

printed documents of the house, distributes the same to members, and directs the messengers in their duties.

What is the business of the door-keeper?

To guard the main entrance, admit members, and such others as are entitled to a seat by the rules of the house. He should seat spectators in a proper place, and should be in attendance on the house at least an hour before the commencement of each meeting.

What are the duties of the postmaster?

He transfers from the post-office of the house to the city post-office the mail matter of the members, having first placed his official seal upon it, and also brings to the post-office of the house the mail matter of members.

What is the duty of the assistants, in the several departments?

To perform whatever may be required of them by their principals.

What is the duty of the janitor?

To light the house when necessary, to provide water for drinking and washing purposes,

to wait upon committees, and to carry books and stationery to and from the house.

What are the duties of the keeper of the assembly chamber?

He is to see that the property of the house and of members is not disturbed; to take all property left in the house into his charge; to lock the desks of members in case they fail to do so, and return the keys to the occupants.

What are the duties of the messengers?

They wait upon members in various ways, and obey the directions of the sergeant-at-arms.

What officers does the senate appoint?

The same as the assembly, the lieutenant-governor acting as speaker of the senate.

What officers do the senate and assembly jointly elect?

Two United States senators, and a superintendent of public instruction.

What are the general duties of the superintendent of public instruction?

To visit as often as practicable as many of the

common schools, academies, and other literary institutions of the state as he may deem expedient; to inquire into their management and course of instruction, and report annually to the legislature, with such suggestions as may be thought best.

What position does he hold by virtue of his office?

He is a regent of the university.

How long is his term of office?

Three years.

What is his salary?

Two thousand five hundred dollars per year.

Is he allowed any assistance?

A deputy and not more than three clerks, whose aggregate salary shall not exceed three thousand dollars.

When is there an enumeration of the inhabitants of the state taken?

As provided in sec. iv. of art. iii. of the constitution.

Who constitute the board of equalization?

The commissioners of the land office and three state assessors.

What are their general duties?

They shall equalize the state tax among the counties; fix the amount of real and personal property on which the state tax shall be levied, and they shall visit officially every county of the state once in two years for this purpose.

How are the state assessors chosen?

By the governor, with the consent of the senate.

How long do they serve?

For three years.

What is their compensation?

They shall each receive five dollars per day necessarily spent in the discharge of official duties and travelling expenses, board excepted, not exceeding three hundred dollars, the bill of such expenses to be rendered to the comptroller in items with the affidavit of the assessor.

CHAPTER III.

JUDICIARY.

What are the members of the several courts of the state of New York?

They are the court for the trial of impeachments, court of appeals, supreme court, circuit courts, court of oyer and terminer, county courts, court of sessions, courts of special sessions, surrogate courts, courts of justices of the peace, police courts, mayors' courts of cities, recorders' courts of cities, superior court of the city of New York, court of common pleas for the city and county of New York, marine court of the city of New York, justices' courts in the city of New York, and the justices' courts of cities.

What is the jurisdiction of the courts?

The court for the trial of impeachments, court of appeals, supreme court, circuit court, and oyer and terminer, have a general jurisdiction throughout the state; the jurisdiction of the other courts is merely local.

Of what is the court for the trial of impeachments composed?

Of the judges of the court of appeals, president of the senate, and senators.

Of what is the court of appeals composed?

Of eight judges: four elected by the people for the term of eight years, at a salary of three thousand five hundred dollars; the other four are taken from the judges of the supreme court having the shortest time to serve.

What power has this court?

It has power to reverse, modify, or affirm, in whole or in part, the judgment or order appealed from.

How many terms of this court are held, and where?

There shall be four terms of this court held in each year at the capitol in the city of Albany.

How may judgment be rendered?

A concurrence of five of the judges is necessary to pronounce judgment.

How if five do not concur?

The case must be reheard, but no more than two rehearings shall be had, and then

if five of the judges do not concur, the case shall be affirmed.

Into how many districts is the state divided for supreme court purposes?

Eight.

How are the supreme court judges elected, and for how long?

By the people, and for eight years.

What is their salary?

Three thousand five hundred dollars.

Which is the presiding judge, and what is the manner of doing business?

The judge in each district, not in the court of appeals, and having the shortest time to serve. This court holds general terms, special terms, and circuit; also court of oyer and terminer, which is held at the same time with circuit. In counties where the population exceeds forty thousand, there is a general term held as often as once in each year; in other counties, as often as once in two years: there are at least two special terms in each county in every year, and two circuit courts. On the second day of January of

every second year there is a general term held at the capitol, for the purpose of appointing general and special terms of all circuit courts and courts of oyer and terminer, of assigning business of justices, and revising the rules of practice.

CHAPTER IV.

EXECUTIVE.

How often are the governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney, general, state engineer, and surveyor chosen?

Once in two years.

By whom?

The people.

What are the general duties of the governor?

He communicates to the legislature the financial condition of the state; he recommends such measures as he may deem expedient; he has charge of the general execution of the laws; he may convene the legislature, or the senate only; he has power to grant pardon for all offences except tre-

son; he has custody of the great and privy seals of the state, and has command of the military and naval force of the state.

What is his salary?

Four thousand dollars per annum.

What officers does he appoint with the consent of the senate?

The regents of the university, and public notaries.

What are the general duties of the regents?

They have the care of all the incorporated academies, seminaries, and colleges, regulate the government of them, and report their condition annually to the legislature.

What compensation have they?

None, except the secretary, who receives two thousand dollars per annum.

What are the general duties of a notary public?

He demands acceptance and payment of foreign bills of exchange, of inland bills, and promissory notes, and protests the same for non-acceptance and non-payment.

What are the general duties of the lieutenant-governor?

He presides over the senate, is commissioner of the canal fund and land office, member of the canal board, trustee of the idiot asylum, regent of the university, trustee of the capitol and new state hall, and acts as governor in case of a vacancy occurring in that office.

What is his compensation?

Six dollars per day.

What are the general duties of the secretary of state?

He shall have custody of all books, deeds, records, and papers that belong to his office; provide books for recording, and record in them all matters belonging to the functions of his office; attend legislature for the purpose of receiving bills that become laws; transmit to various officers copies of the session laws; cause the session laws to be bound; and administer the constitutional oath to the members of assembly.

What other positions does he hold by virtue of his office?

He is regent of the university, commissioner of the land office and canal fund, member of the canal board and board of state canvass-

ers, trustee of the capitol, new state hall, and of the idiot asylum.

What is his salary?

Two thousand five hundred dollars per year.

May he employ clerks?

He may.

By whom are they paid?

By the state, to the amount of four thousand two hundred dollars per year.

What are the general duties of the comptroller?

To require persons receiving public money to account to him, give directions concerning the transmission to him of public money, pay the expense of such transmission, cause persons presenting accounts to make oath to them, keep an account between the state and treasurer; he is auditor of public accounts, except those payable from the canal and bank funds.

What other positions does he hold by virtue of his office?

Commissioner of the land office and canal funds, member of the canal board, trustee of

the capitol, idiot asylum, and the new state hall.

What is his salary?

Two thousand five hundred dollars per year.

What assistance is he allowed?

A deputy, an accountant, and eleven clerks.

What are the general duties of the state treasurer?

He receives the state moneys, pays drafts on the warrants of the comptroller; he is auditor of the canal department, superintendent of the bank department, and the superintendent of public instruction.

What positions does he hold by virtue of his office?

Commissioner of the land office and canal fund, member of the canal board, and board of state canvassers.

What is his salary?

One thousand five hundred dollars per year.

What assistance is he allowed?

A deputy, book-keeper, and clerk.

To what amount must he execute a bond?

In the sum of fifty thousand dollars.

How often, and to whom must he report?

Annually, to the legislature.

What are the general duties of the attorney-general?

To defend and prosecute all suits in which the state is interested; receive all costs in any actions which shall have been adjudged to the state; prepare drafts for the comptroller and surveyor-general; attend the sessions of the legislature; attend courts of oyer and terminer, when directed to by the governor, or judge of the supreme court; keep a register of suits; and he may employ additional counsel if necessary.

What positions does he occupy by virtue of his office?

Commissioner of the land office and canal fund, member of the canal board and of the state canvassers, and trustee of the capitol and new state hall.

What is his salary?

Two thousand dollars per year.

What are the general duties of the state engineer and surveyor?

To superintend surveys and sales of state lands; keep in his office a map of the state; order a resurvey of town lines where they are lost; resurvey where there is a dispute, and settle the dispute; see that the determination be filed in the office of the secretary of state; and account to the comptroller for all moneys received by him.

What position does he hold by virtue of his office?

Trustee of state hall, commissioner of the land office, member of the canal board, and board of state canvassers.

What is his salary?

Two thousand five hundred dollars.

Must he be a practical engineer?

He must.

How much is he allowed for clerk hire?

Any sum not exceeding fifteen hundred dollars.

How many canal commissioners in the state?

Three.

By whom are they elected, and for how long a term?

By the people, and for three years, being so arranged that one is elected each year.

What are their general powers and duties?

To make regulations determining the size and structure of boats and all rafts on the waters of the canal; to make suitable provision for the weighing and inspecting of boats; keep in repair the whole line of the canals, including their locking, all toll-houses, weighing-scales, and all offices used by the canals; inquire into the conduct of all the subordinate officers on the canals; have the general care and superintendence of all canals in the state, and report the same to the legislature within twenty days of the commencement of its annual session.

Must each commissioner execute a bond?

He must.

In what sum?

Twenty thousand dollars.

What is the salary of each?

Seventeen hundred dollars per year.

What officers constitute the commissioners of the canal fund?

The lieutenant-governor, secretary of state, comptroller, treasurer, and attorney-general.

What officers constitute the canal board?

The commissioners of the canal fund, the state engineer and surveyor, and the canal commissioners.

What are the general duties of the canal auditor?

He issues warrants for payments out of the canal fund; he submits annually to its commissioners a statement of the receipts and payments; he instructs disbursing and collecting agents; and has the direction of the financial department of the canal.

How does he receive his office?

By appointment.

For how long a term?

Two years.

What is his salary?

Two thousand five hundred dollars per year.

What are the general powers and duties of state prison inspectors?

They have the superintendence of all prisons of the state; they appoint all officers therein; visit jointly as often as once in each year each state-prison; inquire into the government of each, and make such provision for its future as they may think best; investigate cases of improper conduct, and cause all minor officers to report any matter to them respecting the state-prison; to visit and inspect separately or collectively, as often as once in each year, each county prison in the state, and report the whole of their proceedings to the legislature annually.

How long do they serve?

Three years.

When and by whom are they elected?

At the general election, and by the people, in such a manner that one is elected each year.

What is their salary?

Sixteen hundred dollars per annum.

May an inspector be an agent or contractor in any prison?

He must not.

Who may remove an inspector for misconduct?

The governor.

SECTION VI

CHAPTER I.

UNITED STATES.

Into what departments of government are the United States divided ?

Three; legislative, judicial, and executive.

Where is the legislative power vested ?

In the senate and house of representatives.

How long do the senators hold their office ?

For a term of six years.

By whom are they elected ?

The legislatures of the several states.

How long do the representatives hold their office ?

For a term of two years.

By whom are they elected ?

By the people; except in South Carolina, where they are elected by the legislature.

How many people does one member represent?

At present a fraction over 93,000.

How is the number of representatives in any slave state ascertained?

By adding to the white population three-fifths of the number of the slaves in the state, and dividing that sum by the number that one man represents.

What must be the qualifications of members of the house of representatives?

They must be twenty-five years of age; they must have been citizens of the United States for seven years; they must, when elected, be inhabitants of the state for which they are chosen.

How many senators is each state entitled to?

Two.

How are they classed?

So that one-third shall go out of office every two years, and others be elected to fill their places.

What are the qualifications for senator?

He must be thirty years of age; he must have been a citizen of the United States for nine years; and must be an inhabitant of the state from which he is chosen.

What are the general powers and duties of congress?

To pass laws for the regulation of the general government, to impose duties, to collect taxes, to provide for the common defence and general welfare of the United States, to borrow money on the credit of the United States, and such other duties as are specified in the constitution.

What is the compensation of the members of each house?

Three thousand dollars per year each.

Are they entitled to any further compensation?

Yes; a mileage fee of eight dollars for every twenty miles of direct mail route from their residence to Washington.

Who are the judges of the election of members?

Each house for its own members.

Who elect a president in case the people fail to do so?

The house of representatives.

In what way is a president thus chosen ?

The delegation from each state has one vote, and they are to vote for those five who have the greatest number of electoral votes.

How is the vice-president thus chosen ?

The one is vice-president who has the greatest number of electoral votes.

What is done in case of a tie ?

The senate choose one of the number upon which there is a tie.

Who is president of the senate ?

The vice-president.

Who is president of the house of representatives ?

They elect one of their number as speaker.

What compensation is he entitled to ?

Double that of the other members.

What other officers is each house entitled to ?

Speaker, clerk, sergeant-at-arms, door-keeper, postmaster, and public printer.

Who is speaker in the senate ?

The vice-president.

What are the general duties of speaker ?

In addition to the customary duties devolving upon presidents of deliberative bodies, he shall examine the journal, have direction of the hall, admit reporters; shall sign acts, writs, etc., and checks; shall certify to compensation of members; shall fix the amount and approve the surety of sergeant-at-arms' bond; and shall have disposal of the rooms of the capitol.

What are the general duties of clerk ?

In addition to the duties devolving upon secretaries of deliberative bodies, he shall execute a bond, with one or more sureties to be approved by the comptroller of the treasury, in the sum of twenty thousand dollars, for the faithful discharge of his duties; shall certify to bills which pass; shall sign all house bills which pass; puts questions before the election of speaker; and continues in office till a successor is elected.

What are the general duties of the sergeant-at-arms?

He shall keep the account of the pay and mileage of members; prepare checks, and draw the money on them if it is desired; shall

give a bond of from five to ten thousand dollars; is sworn to keep the secrets of the house; and to assist the speaker in preserving order.

How is he paid?

By fees.

How many printers are there elected?

One for each house.

How long a time are they allowed in the performance of any job?

Thirty days.

What are their general duties?

To print such matter as may be required of them to print by the house of which they are printer, and to be under its direction.

What are the general duties of door-keeper?

He announces at the door of the house all messages from the president and other house, keeps the door of the house, folds and distributes extra documents, furnishes members with extra documents, conveys messages from members, and keeps the hall in order.

What are the general duties of the assistants in

clerks', sergeant-at-arms', door-keepers', etc., departments?

They are the same as those devolving upon similar officers in the New York legislature.

What are the general duties of the postmaster in congress?

To superintend the post-office kept for the accommodation of its members; furnish stationery to members and committees; deliver, upon the arrival of the mails, all mail matter received for members; deliver at the city post-office mail matter deposited in his office by members.

Where may be found the duties of the remainder of the officers of either house?

Among the appointed officers in the New York legislature.

Have the house and senate the same number of appointed officers?

They have the same, except that the house has more assistants in the several departments.

What is a committee of the whole?

It is a committee embracing the entire house.

How is it appointed?

On motion of some member, who moves that the house go into a committee of the whole.

On the carriage of this motion, what is the next duty of the president?

To appoint some one as chairman of the committee, while he takes a seat with the members.

How does the house come in possession of the report?

The chairman of the committee vacates the chair, the president resumes it, and the chairman reports the matter to the house.

What is the form of proceeding when returning from a committee of the whole to the house?

Some one moves that the committee do now rise and report. This being carried, the chairman vacates the chair, which is immediately resumed by the president. The chairman then rises and says:

Mr. President.

The president responds:

Mr. Chairman.

The chairman proceeds:

"The committee of the whole have had under consideration the [here name the subject], have made some progress therein, and have directed their chairman to report the fact to the house, and ask leave to sit again;" or, if they have concluded their business, he reports the fact, and asks the concurrence of the house therein.

When is a motion to adjourn in order?

Always; except when a person is speaking, when a vote is being taken, or when a motion to adjourn has just been taken.

Can a motion to adjourn be amended?

It can be, if no other business is before the house.

Is a motion to adjourn debatable?

It is not.

What is the meaning of a motion to lay a subject on the table?

It signifies that the subject is to be laid aside until it is the pleasure of the house to consider it.

Can a motion to lie on the table be amended or debated?

It can not.

What is a motion to amend ?

It is a motion to change, in some of its bearings, a former motion.

What is the signification of a motion to commit ?

It proposes to leave certain matters which have taken the attention of the house, and leave them with a committee.

What is meant by dividing the question ?

When a motion embraces several distinct parts, it is sometimes moved to try the sense of the house upon the parts separately: this is called dividing the question.

When a motion is moved, seconded, and stated by the president, can it be withdrawn by the mover ?

It can not; but must, if set aside, be done by motion.

What is a motion to reconsider ?

It sometimes happens that a motion passes the house rather prematurely, in which case some one may move that we again consider the subject.

Who may move the reconsideration of a question ?

Properly no one except a person who voted with the majority.

When is a person in possession of the floor?

After he has risen in accordance with the usages of the assembly and respectfully addressed himself to the presiding officer, and the presiding officer has recognized him by calling his name.

Can a person be refused a hearing when once fairly in possession of the floor?

He can not, as long as he observes the rules of order and the decencies of debate, unless, by special rule, he has occupied his time.

Is it ever in order to interrupt a member when speaking upon a subject before the house?

He may be interrupted by a call to order.

What is the form usually employed for a call to order?

A member rises and says, "Mr. President, I call the member to order." The member who has been speaking should stop and sit while the president should say, "Will the member state his point of order?" The member then states his point of order. The

president then states that "the point was immaterial, and the member may proceed," unless an appeal is taken, or the president says "the point was well taken, and the member will be in order."

What may a person called to order do?

He may appeal from the decision of the president to the house.

What form is employed?

"Mr. President, I most respectfully appeal from your decision."

What is next in order?

The president states that "the decision of the chair has been appealed from." He may or may not invite discussion, but the next question is stated by the president as follows: "Shall the decision of the chair be sustained?" If the chair is sustained, the member should take his seat; if not, he may proceed.

In a permanently organized meeting, what is the first thing to be done after a call to order?

The secretary should read the minutes of the last meeting.

Is a vote of the house necessary to their approval?

It is not; the president may say, "if there are no objections to the minutes, they will stand approved."

Suppose an error is detected?

A motion to correct [stating the error and the correction]. It being made, the president says, "Shall the minutes, as corrected, be approved?" If decided affirmatively, the minutes stand as corrected.

CHAPTER II.

JUDICIARY.

By the constitution how is the judicial power of the United States vested?

In one supreme court, and in such inferior courts as the congress from time to time establishes.

Of what does the supreme court at present consist?

Of one chief justice and eight associate justices.

How and where is the supreme court held?

Annually, in the city of Washington.

Are the supreme court judges appointed, or elected?

Appointed.

How?

By the president, with the consent of the senate.

For how long a term are they appointed?

During good behavior; that is, they can not be removed so long as they capably and faithfully discharge their duties, during which time neither the president nor congress has any authority over them.

In what cases has this court jurisdiction?

Of all cases in which the United States shall be a party; of controversies between citizens of different states, and between citizens of the same states claiming lands under grants from different states, and between the citizens of one state and foreign states.

What is the second court in importance established by congress?

The circuit court of the United States.

Into how many circuits are the United States divided?

Nine, in each of which a circuit court is held twice every year.

By whom are the circuit courts held?

By one of the United States supreme court judges, assisted by the judge of the district court of the United States where the court sits.

What are the names of the circuits?

1. Maine, New Hampshire, Massachusetts, and Rhode Island.
2. Vermont, Connecticut, and New York.
3. New Jersey and Pennsylvania.
4. Delaware, Maryland, and Virginia.
5. Alabama and Louisiana.
6. North Carolina, South Carolina, and Georgia.
7. Ohio, Indiana, Illinois, and Michigan.
8. Kentucky, Tennessee, and Missouri.
9. Mississippi and Arkansas.

What is the jurisdiction of the circuit court?

Each circuit court has jurisdiction of all crimes committed in the district against the laws of the United States; appeals may be brought from the district to the circuit, and

in civil matters the sum in controversy must not exceed five hundred dollars.

What is the next class of inferior courts of the United States?

The district courts.

Into how many districts are the United States divided?

Into thirty-seven districts, to each of which there is a district court and a district judge, an attorney and marshal, who reside in the district for which they are appointed.

Of what have these district courts jurisdiction?

Of cases for penalties and forfeitures under the laws of the United States, for seizure on the water within three miles of the shore, where the United States are plaintiffs, where consuls and vice-consuls are defendants, for repeal of letters patent for inventions, etc.

What officers in each of the district courts of the United States?

A judge, an attorney, and marshal.

What is their compensation?

The judge has a salary of two thousand dol-

lars per year; the others have two hundred dollars and fees.

By whom is the census of the United States taken?

By persons appointed by the marshal or his deputies.

How often?

Once in ten years.

How are these persons paid?

By fees.

Is there still another inferior court established by congress?

There are the territorial courts—that is, the courts held in the territories of the United States.

CHAPTER III.

EXECUTIVE.

Who is the chief of the executive department?

The president.

How are the president and vice-president chosen?

By electors.

How are the electors chosen?

They are chosen by the people in all the states except in South Carolina, where they are chosen by the legislature.

To how many electors is each state entitled?

As many as it has representatives and senators in congress.

What is the manner of their election?

Each party in the several states nominates a person for elector in each congressional district, and two others are nominated anywhere in the state, called electors at large; and the electors receiving the greatest number of votes are elected.

In what way do the electors proceed when elected?

They meet in their several states on the first Wednesday of December, and vote for president and vice-president; they make, sign, and seal three certificates of all the votes given by them; two of these copies are sent to the president of the senate; one by mail, the other by a person whom they appoint; the third is delivered to the United States judge of the district in which the electors are assembled.

What is next done with the certificates?

On the second Wednesday of February, the president of the senate, in presence of all the senators and representatives, opens the certificates from all the states, and the votes are counted. The person having a majority of all the votes cast shall be president.

Suppose no person has a majority of all the electoral votes?

In such a case the house of representatives must choose the president from those candidates, not exceeding three, who had the highest number of electoral votes; but in so voting, the whole delegation from each state shall have but one vote, that vote in each case to be determined by a majority in each delegation.

How is the vice-president chosen in the case of a failure to choose by the electors?

The senate must choose one of the two who received the greatest number of votes.

When is it that the vice-president becomes president?

In case the house of representatives fail to elect a president, the senate having electe-

vice-president, he becomes president on account of a vacancy occurring in that office.

Where may the qualifications for president be found?

In sec. 1, art. ii., of the constitution of the United States.

Where may the general duties of the president be found?

In secs. 2 and 3 of art. ii. of the constitution of the United States.

What is the salary of the president?

Twenty-five thousand dollars per year.

May he be removed from office?

He may on conviction of any high crime.

What are the duties of vice-president?

He performs the duties of a presiding officer in the United States senate; and in case of vacancy in the office of president, he becomes president.

Who then becomes vice-president?

The senate elect one of their number.

Who acts as president in case of a vacancy occurring ıe offices of president and vice-president?

Congress may determine by law who shall be president.

What is the salary of the vice-president?

Six thousand dollars per year.

Who appoints embassadors and all foreign ministers?

The president, with the consent of the senate.

What are their general duties?

To represent their country in a foreign country, and to attend to the public affairs of their own country.

What are the cabinet officers?

Secretary of state, secretary of treasury, secretary of interior, secretary of navy, secretary of war, attorney-general, and postmaster-general.

By whom are they appointed?

By the president, with the consent of the senate.

What is the salary of each?

Eight thousand dollars per year.

What are the general duties of the secretary of state?

To attend to the domestic and foreign affairs of the country; to correspond with the ministers to other countries upon questions concerning our national welfare; and to report the condition of affairs to the president once in a year, or as often as the president desires.

What assistance is he allowed?

An assistant and twenty-five clerks.

What are their salaries?

They range from twelve hundred to three thousand dollars per year.

What other officers under the department of state?

There is a minister to each foreign country, and from one to eight consuls to each country.

What are the duties of foreign ministers?

To represent the government in another country, and act as its agent in international affairs.

Into what classes are they divided?

Embassadors or ministers plenipotentiary

are the first class, envoys or resident ministers the second, and chargé d'affaires are the third in importance.

What several duties attach themselves to the three classes.

The first class are clothed with full power to perform such business as concluding peace or making treaties, and are sent only upon extra occasions, and return immediately upon the transaction of their business; the second class have more limited powers, and reside in the country to which they are ministers; the third class are ministers to some inferior court, or are left in charge during the absence of one of the other classes of ministers, and have moderate powers.

What are the duties of foreign ministers?

They represent a government, and act as its agent in international affairs.

What are their salaries?

They vary from seven thousand five hundred, to seventeen thousand five hundred dollars per year.

Have they any assistance?

They have each one or two assistants called "secretary of legation."

What are their salaries?

From fifteen hundred to two thousand six hundred dollars per year.

What is a consul?

He is a person commissioned to reside in a foreign country, to look after the interests, commerce, and shipping of persons in the country he represents.

What are their salaries?

A few are paid by fees, the others have salaries from one thousand to six thousand dollars per year.

What are the general duties of the secretary of treasury?

To keep an accurate account of all moneys of the U. S. and report the condition of the treasury to congress once in a year, and to pay out money upon the warrant of the chief officers in the several departments.

What assistance is he allowed?

He has four hundred clerks, who have sala-

ries varying from twelve hundred to three thousand five hundred dollars per year.

What are the duties of the secretary of the interior?

He has care of the general land office, and directs surveys; he has direction of affairs in the patent office; he oversees the affairs in the Indian office, and pension office; has care of the public buildings; directs labor to be laid out on the public grounds, and has care of the hospital for the insane.

What assistance is he allowed?

He has from fifty to two hundred clerks in each of the five-mentioned departments, with salaries varying from six hundred to three thousand dollars per year.

What are the duties of the secretary of war?

To keep an account of the proceedings and expenses, and to direct in the various divisions of the war department.

From whom does he derive his information in regard to expenses incurred?

The officers of the army, keepers of armories, and the necessary clerks.

What pay do the clerks draw?

From eight hundred to two thousand two hundred dollars per year.

What are the duties of the secretary of navy?

To keep an account of the changes made in the divisions of the navy department; to direct repairs; direct in the U. S. coast survey, in the national observatory, in the nautical almanac office, and in the naval academy, and report the entire condition of the navy when required.

What is the duty of the attorney-general?

To act as the prosecuting officer of government, as an attorney does for his employer.

What assistance is he allowed?

One assistant, three clerks, and a messenger.

What is their compensation?

From nine hundred to three thousand dollars.

What are the duties of the postmaster-general?

He has the management of the post-office department, and appoints postmasters where the salary does not exceed two thousand dollars per year. For convenience he has first, second, and third assistants, and a chief clerk.

How is the business of the department divided between the assistants?

The first assistant has nineteen clerks, and he establishes or discontinues post-offices and postmasters; gives instruction to postmasters; has direction of the international postal arrangements, and in general of the appointing power. The second assistant has twenty-six clerks; he arranges the mail service, and places the same under contract; directs frequency of trips, and mode of conveyance, course of routes, points of distribution; advertises for mail proposals; receives bids, and makes the contracts. The third assistant has twenty-eight clerks; has charge of the finances; examines the quarterly returns of postmasters; issues stamps; and has the care of the dead letter office. The chief clerk has nineteen clerks; he notes the failure of mail contractors, and prepares cases for the action of the postmaster-general; provides mail bags, locks, keys, &c.

Who appoints postmasters where the salary exceeds two thousand dollars per year?

The president, by the consent of the senate.

DECLARATION OF INDEPENDENCE.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitled them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation:

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to insti-

tute new government, laying its foundation on such principles, and organizing its power in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations: all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected: whereby the legislative powers, incapable of annihilation, have returned to the people at

large for their exercise; the state remaining in the meantime exposed to all the danger of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migration hither; and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our Legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giv-

ing his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own Legislatures, and

declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries, to complete the work of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country; to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts made by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity; and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Con-

gress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, FREE and INDEPENDENT STATES: that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK, President.

New Hampshire,	JOSIAH BARTLETT, WILLIAM WHIPPLE, MATTHEW THORNTON.
Massachusetts Bay,	SAMUEL ADAMS, JOHN ADAMS.
Massachusetts,	ROBERT TREAT PAINE, ELBRIDGE GERRY.

Rhode Island, &c.,	STEPHEN HOPKINS,
	WILLIAM ELLERY.
Connecticut,	ROGER SHERMAN,
	SAMUEL HUNTINGTON,
	WILLIAM WILLIAMS,
	OLIVER WOLCOTT.
New York,	WILLIAM FLOYD,
	PHILIP LIVINGSTON,
	FRANCIS LEWIS,
	LEWIS MORRIS.
New Jersey,	RICHARD STOCKTON,
	JOHN WITHERSPOON,
	FRANCIS HOPKINSON,
	JOHN HART,
	ABRAHAM CLARK.
Pennsylvania,	ROBERT MORRIS,
	BENJAMIN RUSH,
	BENJAMIN FRANKLIN,
	JOHN MORTON,
	GEORGE CLYMER,
	JAMES SMITH,
	GEORGE TAYLOR,
	JAMES WILSON,
	GEORGE ROSS.
Delaware,	CÆSAR RODNEY
	THOMAS M'KEAN,
	GEORGE READ.
Maryland,	SAMUEL CHASE,
	WILLIAM PACA,
	THOMAS STONE,
	CHARLES CARROLL of Carrollton.
Virginia,	GEORGE WYTHE,
	RICHARD HENRY LEE,
	THOMAS JEFFERSON,
	BENJAMIN HARRISON,

	THOMAS NELSON, junr.,
	FRANCIS LIGHTFOOT LEE,
	CARTER BRAXTON.
North Carolina,	WILLIAM HOOPER,
	JOSEPH HEWES,
	JOHN PENN.
South Carolina,	EDWARD RUTLEDGE,
	THOMAS HEYWARD, junr.,
	THOMAS LYNCH, junr.,
	ARTHUR MIDDLETON.
Georgia,	BUTTON GWINNETT,
	LYMAN HALL,
	GEORGE WALTON.

HERE we append, for convenience of reference, and as being what every American should know and understand, a copy of the Constitution of the United States, and the Amendments thereto.

CONSTITUTION.

Preamble. WE, the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

Congress. All legislative powers herein granted shall be vested in a Congress of the United States, which shall con-

sist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Representatives, how chosen.

No person shall be a Representative who shall not have attained the age of twenty-five years, and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Qualification of Representatives.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including

Apportionment of Representatives, and direct taxes.

those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island* and *Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

Census every ten years.

When vacancies happen in the representation from any State, the executive authority thereof shall issue

Vacancies, how filled.

writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Representatives choose officers and bring imp'chments.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Senate, how chosen.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year: and, if vacancies happen by resignation or otherwise during the recess of the legislature

Senators classed.

Vacancies, how filled.

of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Qualifications of Senators.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Vice President to preside.

The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

Officers of Senate.

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the United States.

Trial of impeachments.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation.

When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Judgment in impeachm'nts

Effect of.

SECTION IV.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Elections, when and how held.

The Congress shall assemble at

Congress as-

semble annually.

least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Elections, how judged.

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Quorum.

Absent members.

Rules.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Expulsion.

Journals to be kept and published.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays

and

of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Adjournments

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

Compensation.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

Privilege.

They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Members not appointed to office.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Officers of government can not be members.

SECTION VII.

Revenue bills.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Bills to be presented to the President.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have origi-

His powers over them.

nated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Proceedings on his veto.

Bills to be laws if not returned in ten days.

Every order, resolution, or vote, to which the concurrence of the Sen-

Joint orders or resolutions to be approved by the President.

ate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

Powers of Congress to lay taxes—pay debts.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States: but all duties, imposts, and excises, shall be uniform throughout the United States;

General welfare.

Duties uniform.

Borrow money.

To borrow money on the credit of the United States;

Commerce.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States; Naturalization. Bankruptcy.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; Coin money. Weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States; Counterfeiting.

To establish post-offices and post roads; Post roads.

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries; Promote arts and science.

To constitute tribunals inferior to the Supreme Court; Inferior courts.

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations; Piracies, &c.

To declare war, grant letters of marque and reprisal, and make rules Declare war and make captures.

concerning captures on land and water;

Raise armies.

To raise and support armies: but no appropriation of money to that use shall be for a longer term than two years;

Navy.

To provide and maintain a navy;

Rules and articles of war.

To make rules for the government and regulation of the land and naval forces;

Call out militia.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

Organize and govern militia.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

Officers of militia.

Exclusive legislation over seat of government.

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square)

as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

And over forts, arsenals, dock y'ds, &c.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

To make general laws to carry powers into effect.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on

Importation of slaves allowed till 1808.

such importation, not exceeding ten dollars for each person.

Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Attainder and ex post facto laws. No bill of attainder or *ex post facto* law shall be passed.

Direct taxes. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration herein before directed to be taken.

No exportation duty. No tax or duty shall be laid on articles exported from any State.

Commerce between the States. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Money, how drawn from the treasury. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all pub-

lic money shall be published from time to time. To be published.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state. No nobility. Foreign presents and titles.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility. Powers denied to the States. Other powers denied to States.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely neces-

sary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Further denial of powers to States.

No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

President of the United States.

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Electors, how chosen.

Each State shall appoint, in such

manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Electors to meet and to elect a President and Vice-President.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest num-

Their votes counted in Congress.

ber of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of a President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate

Representatives to choose if electors fail.

Votes by States.

Vice-President.

shall choose from them by ballot the Vice-President.*

Election and meeting of electors.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualification of President.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Removal, death, &c., of President.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of

* This clause of the Constitution has been amended. See twelfth article of the amendments, page 143.

removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

Compensation of President.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

Oath.

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. Powers and duties of the President.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein other- Appointment of public officers.

wise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Vacancies in office.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

Further powers and duties of the President.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive embassadors and other public ministers; he shall

take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. Impeachment.

ARTICLE III.

SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Judiciary and tenure of judges.

SECTION II.

Powers of the judiciary.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting embassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Jurisdiction of the Supreme Court.

In all cases affecting embassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate

jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Trials by jury.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

And where held.

SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeit-

No corruption of blood.

ure, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Acts of States accredited.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

Privileges of citizenship.

The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

Fugitives from justice to be delivered up.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due. Persons to be delivered up.

SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress. New States.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of Territory and other property of the United States.

the United States, or of any particular State.

SECTION IV.

Republican form of government.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature, or of the Executive (when the Legislature can not be convened), against domestic violence.

Protection of States.

ARTICLE V.

Ammendments of this Constitution.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the

other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Debts of former government recognized.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation.

What constitutes the supreme law.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws

of any State to the contrary notwithstanding.

Oath of public officers.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

No religious test.

ARTICLE VII.

Ratification.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the

United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
John Langdon,
Nicholas Gilman.

MASSACHUSETTS.
Nathaniel Gorham,
Rufus King.

CONNECTICUT.
William Samuel Johnson,
Roger Sherman.

NEW YORK.
Alexander Hamilton.

NEW JERSEY.
William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA.
B. Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouv. Morris.

DELAWARE.
George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.
James McHenry,
Dan of St. Thomas Jenifer,
Daniel Carroll.

VIRGINIA.
John Blair,
James Madison, jun.

NORTH CAROLINA.
William Blount,
Rich'd Dobbs Spaight,
Hu. Williamson.

SOUTH CAROLINA.
J. Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.
William Few,
Abr. Baldwin.

Attest WILLIAM JACKSON, *Secretary.*

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a maner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-

President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death, or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Part Second.

PARLIAMENTARY PRACTICE.

What is a deliberative assembly?

A deliberative assembly is an organized meeting of persons, associated to examine the reasons for and against measures submitted for their decision.

What is an organized meeting?

An organized meeting is an assemblage of persons gathered for deliberation, having its proper officers, which are its instruments or means of action.

What are the necessary officers for a deliberative assembly?

A presiding officer, and a secretary or clerk; but others may be appointed, according to the nature of the organization.

What is the proper mode of organizing a meeting?

The proper mode is for some person to arise,

and, after gaining the attention of the assembly, to suggest the propriety of appointing a presiding officer, and calls upon the house to nominate some one. A nomination being made and seconded, he repeats the question, and says, "Those in favor of the motion will please say Aye." After a pause, he adds, "Those opposed to the motion will say No." If the question is carried in the negative, another nomination is made as before; but if it is carried in the affirmative, the person stating the fact to house calls upon the person elect to assume the proper place. The president then takes the chair, and continues the organization by requesting a nomination for the office of secretary, and such other officers as may be deemed necessary.

When, and why, is it better to organize temporarily?

It is better to organize temporarily when the organization is to be permanent, and because a judicious selection of officers is important.

In what way do meetings, temporarily organized, proceed to a permanent organization?

It is better to entrust the nomination of permanent officers to a few persons, called a committee.

What is the duty of this committee?

To retire from the room, and examine the claims of the several persons suitable to hold the several offices, and report the same to the house.

What are the general duties of president?

To preside over the deliberations of the assembly; to enforce the rules of order, and the order of business; to maintain due decorum among the members; to give information, when necessary, on points of order; to decide upon questions of parliamentary practice; to receive and announce all messages for the house; to submit properly all suitable motions, petitions, or propositions made by members; to see that each member has his rights; to appoint persons to serve on committees when the house require it; and to see that committees, officers, and members perform the duties incumbent on them by the constitution.

What is the duty of a vice-president?

He performs the duties of the president in his absence.

What are the duties of the recording secretary?

To record faithfully the doings of the house; to read aloud all such papers as the house may order read; to call the roll when the vote is taken by yeas and nays, and record the answer of each member; to notify committees of their appointment, and the matter committed to them; and to take in charge all documents belonging to the house.

What is the duty of a corresponding secretary?

To conduct, under the direction of the house, all correspondence with another house, or with individuals.

What is the duty of the treasurer?

To receive all moneys belonging to the house, and pay out the same at their order, and report the condition of the finances whenever required.

How are the proceedings of a deliberative body usually conducted?

In accordance with certain rules, called rules of order.

What is the use of rules of order?

To obtain a free expression of opinion, and a fair decision of the questions discussed.

Are the rules of order the same in all deliberative bodies?

In essentials they are nearly the same, but they often differ on minor points.

From whence arose the rules of order in most of our minor deliberative bodies?

Those within the states are formed from the rules of order in the state legislature from which they sprung; these in turn sprung from the rules of order of congress; and these again in turn sprung from the parliament of Great Britain.

What is the essence of these rules called?

The common code of parliamentary law.

Is it common to adopt rules other than those embraced in the common code?

It is not unusual.

In what form are the acts of a deliberative body expressed?

Its decisions are usually embodied in formal declarations, called resolutions.

What is a motion?

A formal proposition offered by some one in a deliberative body, for the purpose of obtaining the sense of the meeting.

In what way are decisions commonly made in a deliberative body?

By ballot, by open vote, or by taking the yeas and nays.

What is the form observed in submitting a question?

The presiding officer asks, "Is the assembly ready for the question?" If no one offers to say any thing, or after all are done speaking, he says, "As many of you as favor the adoption of the resolution will signify it by saying Aye;" after pausing, he says, "Those of the contrary opinion will say No." The answer being given, the presiding officer says, "The ayes have it," or "The noes have it," as he shall judge are in the majority.

What is to be done if the chair is unable to decide which has it?

He may, on a call of a member, divide the house, by causing the ayes to go to one side of the room, and the noes to take the oppo-

site side; or, he may ask the ayes to raise the right hand, and, after they are counted, request the noes to do the same.

Who count in case of a division of the house?

The president; or he may appoint persons called tellers, who report the result to the house.

Who decides, if the house is equally divided?

The president.

What is a ballot?

Primarily it signifies a little ball, and to vote by ballot properly is to cast a ball colored or marked in such a way as to indicate the choice intended; but convenience has substituted tickets.

What is a vote?

The literal meaning is a vow, wish, or will; practically it is the method used for expressing choice.

What is the usual form of taking the yeas and nays?

The president* states the question under

* The presiding officer, as referred to in this work, will be a president.

consideration, and says, "As many as are in favor of the resolution will, as their names are called, answer Yes, and as many as are opposed to it will answer No." The roll is then called by the secretary, and as each member answers Yes, or No, it is marked opposite his name.

How many votes, in any case, are necessary to decide a question?

A majority, unless a special rule to the contrary is made.

What is meant by majority and plurality?

Majority signifies more than half; plurality means a greater number, as a person may have a greater number of votes than any other one, yet not have a majority.

What is a quorum?

It is such a number as shall by rule of the house be required to be present in order to render the transactions of the house valid.

When does a proposition become a question?

When, after due deliberation, it comes to be put to vote upon its acceptance or rejectic

When is a proposition duly before the house?

After it has been moved and seconded, and stated by the presiding officer.

What are the rights of members based upon?

On the principle of equality among themselves.

What are the duties of private members?

To observe strictly the rules of order, and the decorum proper to gentlemen.

What is the first step, after the organization of a meeting?

It is for the president to announce that the meeting has been properly organized, and is ready for the transaction of business.

How is business commenced, after an organization?

The president either states the object of the meeting, or calls on some member to do so.

What next is in order?

A committee may be appointed, who immediately retire for the purpose of considering the object of the meeting, and report their views to the house; or the matter may be embodied in a motion, and discussed and

decided, or referred to a committee for further consideration.

What is a committee?

It is one or more individuals set apart by the order of the house, to whom are entrusted certain matters.

What is the object of a committee?

It is to provide for a more thorough examination of the subject than can be had in the whole house.

May a part of a subject be referred to a committee?

It may.

What is the presiding officer of a committee called?

Chairman.

Who is appointed as chairman in a committee?

The first named in the appointment,—and he should be appointed who moves the appointment of a committee; but the committee may elect their own chairman afterward.

How are a committee to act after appointment?

They are to act as an agent for the house, and work under its instructions.

Part Third.

SECTION I.

PROMISSORY NOTES AND BILLS OF EXCHANGE.

What is a promissory note?

A written promise to pay money.

Must it be in writing?

It must.

May it be in pencil marks?

Yes, if legible.

Is it necessary that any particular form should be used?

It is not; any words which import an absolute engagement to pay are sufficient, as the ordinary due bill, in these words:

"Due S, or bearer, ten dollars, value received."

"Due A B ten dollars, payable on demand."

"Due B ten dollars on settlement."

These forms, properly signed and dated, are collectable.

An instrument in these words:—"Borrowed of J. S. Platt fifty dollars, which I promise never to pay"—was held a good note, the word "never" to be rejected as surplusage.

What is an essential quality of both promissory notes and bills of exchange?

That they be payable in money.

If they are payable in goods, or any thing but money, what are they held to be?

Mere contracts, binding on the maker, but not negotiable as promissory notes or bills.

What is the meaning of the word negotiable?

That which may be transferred from one person to another.

What form of a note is negotiable by delivery?

When made payable to bearer.

Give an example.

$20.

Thirty days after date I promise to pay to George Reed, or bearer, twenty dollars, value received. A B.

Marcellus, July 2d, 1860.

When will the above form of note commence drawing interest?

Not until due.

If the note reads "with interest," when does interest accrue?

From date.

If instead of "bearer" the word "order" should be written in the preceding form, how could the note be made negotiable?

By the indorsement of the payee.

Who is the payee?

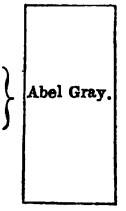
The person to whom the note is made payable, as George Reed in the foregoing form.

By indorsing the note, what does George Reed become?

The indorser; and the one to whom the note is indorsed, the indorsee.

How is the indorsement made?

By writing the name across the middle of the back thus



Give the form of a note not negotiable.

$50.

Three months after date I promise to pay to B. F. Moses, fifty dollars, value received.

Marcellus, July 2d, 1860. A B.

Give the form of one on demand.

$50.

On demand I promise to pay Thomas Decoudres, or bearer, (or order,) fifty dollars, value received. A B.

Marcellus, July 22d, 1860.

In the last form, when does interest commence accruing?

As soon as a demand is made.

Is the above form of note collectable without a demand?

It is not.

Give the form of a note payable at a bank.

$500.

Sixty days after date, for value received, I promise to pay Gay P. Barber, or order, five hundred dollars at the Syracuse City Bank.

Marcellus, July 23d, 1860. A B.

When this note is presented to the bank, what is necessary?

An indorsement by the payee.

Give the form of a chattel note or note payable in specific articles.

$10.

One year after date, for value received

promise to pay Thomas Walker, or bearer, (or order,) ten dollars in shoe-pegs, at current price. A B.

Marcellus, July 25th, 1860.

In the last form, if A B fail to perform the contract on his part, what can Walker do?

He must demand the pegs at the time and place agreed on, and then bring his action for their value in money.

Give the form of a note with surety.

$50.

One year from date I promise to pay E. Dorchester, or bearer, (or order,) fifty dollars, for value received, with interest.

Marcellus, July 26th, 1860. A B.

C D, Surety.

How may the surety be discharged?

By calling upon the creditor to bring an action upon the debt after it is payable; and if he declines to do it and the principal becomes insolvent, the surety will be discharged. But to relieve the surety, it must appear that he requested the creditor to proceed against the principal at a time when he was solvent and within the jurisdiction of the State, and

that the creditor, without reasonable excuse, neglected so to do, until the principal became insolvent and unable to pay.

What is a joint note?

A joint note is one given by two or more persons jointly, and should read "we jointly promise to pay," &c., as in other notes.

What is a joint and several note?

It is a note made by two or more persons jointly and severally, and should read thus, "We jointly and severally promise to pay Wm. J. Machan, or order, (or bearer,)" &c., as in other notes.

How do the last two forms differ?

In this: In an action on a joint note all the makers must be made parties: but in the case of joint and several notes the holder may sue one of the makers and collect a part of his debt against him without discharging the others; and the giving time to one, or agreeing not to bring an action against him, will not bar an action against the others; or, all may be made parties to the same action.

If a note read "I promise to pay," &c., and

signed by two or more persons, what kind of a note is it?

It is a joint and several note.

How is a note to be guaranteed?

By writing across the back "For value received I hereby guarantee the payment (or collection) of the within note," and signing and dating.

What is the difference in the guarantee of payment and guarantee of collection of a note?

If the payment only be guaranteed, the holder of the note may look to the guarantor, after a refusal by the maker to pay, without bringing an action; but if the collection be guaranteed, the holder must sue and fail to collect before the guarantor is liable.

What is a guarantor?

One who engages to see that the stipulations of another are performed.

How does a guarantor differ from a surety?

A guarantor can not be sued until a failure on the part of the principal, while a surety may be sued with the principal.

What are days of grace?

The time allowed after the time limited for the payment of a note—three days.

Where days are allowed, when must the bill or note be paid?

On the last day of grace, and neither the acceptor nor maker can be sued upon it until the day after.

In order to charge the drawer of a bill or the endorser of a note, when should a presentation and demand be made?

Upon the last day of grace; and if made upon any other day, it is a nullity.

How is it when the last day of grace falls upon Sunday, the fourth day of July, the twenty-fifth day of December, the first day of January, or Thanksgiving day?

In such cases the day previous is the last day of grace.

When is there but one day of grace?

Where Sunday and another of these days succeed each other.

Suppose a note is made payable on the first day of June, when is it due?

On the fourth.

Suppose it is made payable on the first of July, when is it due?

On the third.

Suppose the third occurs on Sunday, when is it due?

On the second.

If a note or bill dated on the twenty-eighth, twenty-ninth, thirtieth, or thirty-first of January is made payable in one month after date, when does the month expire?

On the twenty-eighth of February, except leap years, when it is on the twenty-ninth; in either case the days of grace must be added before it becomes due.

If a bill or note be made payable at a certain place, what is necessary in order to charge the drawer and endorsers?

It must be presented at that place and demand of payment made on the last day of grace; and if not paid, notice of presentment, demand of payment, and non-payment must be given them on the same day, or the next day: this is called notice of protest.

a form of a notice of protest.

To Mr. JAMES JACKSON: The note made by Richard Roe, (or the bill drawn by James Doe on Richard Roe,) dated May 1st, 1860, and payable to the order of John Doe, ten days after date, and by you endorsed, has this day been presented to the maker, (or if a bill, to the acceptor,) and payment thereof demanded; but it was and is unpaid, and is dishonored: I am the holder thereof, and look to you for its payment.

Dated May 13th, 1860.

Yours, &c.,

JOHN STILES.

By whom is this notice usually served?

By a notary public, but may be by any one.

If the maker or acceptor, at the time the bill or note was made, resided in the state, but afterward removed to a foreign country, of whom is demand, &c., made?

At his last place of residence within the state; but if he removes to another place within the state, it must be made there.

How if the maker or acceptor abscond, and have no fixed place of residence?

No presentment or demand is necessary.

How is it in case of partners when one of them have died?

Make the presentment and demand of the survivor, at his usual place of business.

How if the acceptor or maker die before the maturity of the bill or note?

Make the presentment and demand of his executors or administrators, if there be any; if there be none, then at the house of the deceased.

Where a bill or note is made payable at a bank which is accustomed to close at a certain hour in the day, how is the holder bound?

To be acquainted with its usages, and present the instrument for payment during its business hours.

How is it with an agent who has received a bill or note for collection?

He is considered the real holder, for the purpose of receiving and transmitting notice of dishonor.

Where two or more payees indorse their individual names, what is necessary to charge either?

To give all notice, unless they are partners.

How should the notice be served?

Personally; or left at his residence or place of business if the party to be notified reside in the city or town where the note or bill is payable.

How when parties reside in a different town or city?

By mail.

What is a bill of exchange?

It is an open letter from one person styled the drawer, to another styled the drawee, requesting him to pay a certain sum to a third person styled the payee, upon the drawer's account, at sight or at some specified time.

In common language, what is it called?

An order or draft for the payment of money.

What is the usual form?

At sight (or "at three days from sight," or "ten days from date") pay James Jackson (or "to the order of James Jackson," "or bearer") fifty dollars, at the Syracuse City Bank, for value received.

What is a foreign bill?

A bill drawn by a person living in one state on one of another state or foreign country.

What is an inland bill?

One drawn payable within the state where it is drawn.

What is a check?

A check is a bill of exchange, payable to bearer, and on demand, and is governed by the same rules.

Give the usual form.

Mr. E. CORNING COWLES:

Pay Newton G. Case, or bearer, fifty dollars. HENRY J. HOWE.

What is customary in dealing with foreign bills?

To draw three bills, all for the same amount and number; and but one is paid, and that the first received, the object of drawing three bills being to provide against loss or other casualty.

A SET OF FOREIGN BILLS.

No. 139, Ex. £250. New York, July 2, 1860.

Thirty days after sight of this my first of

exchange, (second and third unpaid,) pay to Messrs. G. W. & Co., or order, two hundred and fifty pounds sterling, value received, and charge the same to account of A B.
To Messrs. T. W. & Co., London.

No. 139, Ex. £250. New York, July 2, 1860.
Thirty days after sight of this my second of exchange, (first and third unpaid,) pay to Messrs. G. W. & Co., or order, two hundred and fifty pounds sterling, value received, and charge the same to account of A B.
To Messrs. T. W. & Co., London.

No. 139, Ex. £250. New York, July 2, 1860.
Thirty days after sight of this my third of exchange, (first and second unpaid,) pay to Messrs. G. W. & Co., or order, two hundred and fifty pounds sterling, value received, and charge the same to account of A B.
To Messrs. T. W & Co., London.

SECTION II.

DEEDS.

How is real estate conveyed?

In writing, and usually by deed.

What is a deed, as applied to conveyancing?

An instrument in writing, upon paper or parchment, between parties able to contract, and duly sealed and delivered.

What are the different styles of deeds called?

Quit-claim, common warranty, and warranty full covenant.

How do these forms differ?

The guarantor by quit-claim simply conveys his interest in the premises, without any warranty; whereas in the common warranty he covenants to warrant and defend; and in full covenant the guarantor covenants that he is well seized.

THE FOLLOWING IS THE USUAL FORM OF QUIT-CLAIM.

THIS INDENTURE, made this day

of , in the year of our Lord one thousand eight hundred and sixty , between of the first part and of the second part,—

WITNESSETH, That the said party of the first part, in consideration of the sum of to in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, ha bargained, sold, remised, and quit-claimed; and by these presents do bargain, sell, remise, and quit-claim unto the said party of the second part and to heirs and assigns forever, all (Here describe the premises), together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, claim, and demand whatsoever, of the said party of the first part, either in law or equity, of, in, and to the above-bargained premises, with the said hereditaments and appurtenances; to have and to hold the said to

the said party of the second part,
heirs and assigns, to the sole and only proper benefit and behoof of the said party of the second part, heirs and assigns forever.

In witness whereof tne part of the first part ha hereunto set hand and seal, the day and year first above written.

JOHN NORTH. [L. S.]

Sealed and delivered in presence of }

What else is necessary in the execution of any deed?

There should be an acknowledgment, usually in the following form:

State of New York, County. } ss:

On this day of , in the year one thousand eight hundred and , before me, the subscriber, personally appeared , to me known to be the same person described in and who executed the within instrument, and acknowledged that executed the same.

J. S. BAKER, J. P.

When is the foregoing acknowledgment sufficient?

In case of a single person.

Suppose the execution is made by husband and wife?

It is necessary that husband and wife join in the acknowledgment, usually in the following form:

State of New York, }
County. } ss:

On this day of , in the year one thousand eight hundred and , before me, the subscriber, personally appeared , to me known to be the same persons described in and who executed the within instrument, who severally acknowledged that they executed the same; and the said , on a private examination by me, apart from her said husband, acknowledged that she executed the same freely, and without any fear or compulsion of her said husband.

J. S. Baker, J. P.

What is the form of a warranty deed?

This Indenture, made this day of , in the year of our Lord one thousand

eight hundred and , between of the first part, and of the second part,—

WITNESSETH, That the said party of the first part, in consideration of the sum of to duly paid, ha sold, and by these presents do grant and convey to the said party of the second part, heirs and assigns, all that tract or parcel of lands situate in the of , (Here describe the premises), with the appurtenances, and all the estate, title, and interest therein, of the said party of the first part. And the said do hereby covenant and agree to and with the said party of the second part, heirs and assigns, that the premises thus conveyed in the quiet and peaceable possession of the said party of the second part, heirs and assigns, will forever warrant and defend against any person whomsoever, lawfully claiming the same, or any part thereof.

In witness whereof, the part of the first

part ha hereunto set hand and seal , the day and year first above written.

F. A. LYMAN. [L. S.]

Sealed and delivered in presence of }

Give the form for a warranty deed, full covenant.

THIS INDENTURE, made this day of , in the year of our Lord one thousand eight hundred and , between of the first part and of the second part—

WITNESSETH, That the said party of the first part, in consideration of the sum of , to duly paid, ha sold, and by these presents do grant and convey to the said party of the second part, heirs and assigns, all that tract or parcel of land situate in the of (Here describe the premises), with the appurtenances, and all the estate, title, and interest therein of the said party of the first part. And the said do hereby covenant and agree to and with the said party of the second part, heirs and assigns, that at the time of the en-

sealing and delivery of these presents, ,
the lawful owner, and well-seized of
the premises above conveyed, free and clear
from all incumbrance ,
and that the premises thus conveyed in the
quiet and peaceable possession of the said
party of the second part, heirs and
assigns, will forever warrant and
defend against any person whomsoever, law-
fully claiming the same or any part thereof.

In witness whereof, the part of the first
part ha hereunto set hand and seal ,
the day and year first above written.

ISAAC BRADLEY. [L. S.]

Sealed and delivered in presence of

Is any thing more necessary in the last two given forms?

They should be acknowledged, as in the first form; and all deeds and most gages should be recorded in the Clerk's Office of the County in which the premises are situated.

SECTION III.

MORTGAGES.

What is a mortgage?

A dead pledge—a conditional deed, which becomes invalid upon the payment of the sum secured by it.

Must it be signed, sealed, acknowledged, and delivered?

It must, the same as a deed.

Should it be recorded?

Yes.

What is the usual form?

As follows:

THIS INDENTURE, made this day of , in the year of our Lord one thousand eight hundred and , between of the first part, and of the second part,—

WITNESSETH, That the said party of the first part, in consideration of the sum of dollars

has sold, and by these presents do grant and convey to the said party of the second part, heirs and assigns, all that tract or parcel of land situate in the of (Here describe the premises.) This grant is intended as a security for the payment of the sum of , according to the condition of a bond this day executed and delivered by the said to the said party of the second part, and this conveyance shall be void if such payment be made as herein specified. And in case default shall be made in the payment of the principal sum hereby intended to be secured, or in the payment of the interest thereof, or any part of such principal or interest as above provided, it shall be lawful for the party of the second part, executors, administrators, or assigns, at any time thereafter, to sell the premises hereby granted, or any part thereof, in the manner prescribed by law, and out of all the money arising from such sale, to retain the amount then due for principal and interest, together with the costs and charges

of making such sale, and the overplus, if any there be, shall be paid by the party making such sale on demand to the said

heirs and assigns.

In witness whereof, the party of the first part has hereunto set hand and seal the day and year first above written.

S. D. GILBERT. [L. S.]

May a mortgage be assigned?

Yes.

How?

By writing, and may be on the mortgage or separate paper. When indorsed on the mortgage, the following is the usual form:

In consideration of dollars to paid by C. D., of , I do hereby sell, assign, transfer and set over unto the said C. D., the within Indenture of mortgage, together with the bond accompanying the same, for his use and benefit, hereby authorizing him to collect and enforce payment thereof in my name or otherwise, but at his own costs and charges.

Should the assignment be under seal?

Yes, and acknowledged and recorded.

Where recorded?

In the office of the clerk of the county where the premises are situated, same as the deed and mortgage.

How may a mortgage be satisfied?

By a writing showing that the obligation has been redeemed.

What is the usual form?

A mortgage bearing date the day of , eighteen hundred and , executed by , recorded in the clerk's office of the county of in book of mortgages, page on the day of , and the bond accompanying said mortgage, are redeemed and satisfied.

Dated the day of , 186 .

What should be attached to the satisfaction of a mortgage?

An acknowledgment.

Give the common form?

County, ss:

Acknowledged before me this day of , in the year 186 , by

personally known to me to be the person described in, and who severally executed the above instrument.

THOMAS WALKER, J. P.

What is a bond?

A bond accompanying a mortgage is a written agreement to forfeit a certain sum in case of a failure to perform the conditions of the bond.

Give the common form.

Know all men by these presents: That I, A. B., of the town of , in the county of and state of New York, am held and firmly bound unto C. D., of &c., in the sum of one thousand dollars, lawful money of the United States, to be paid to the said C. D., his executors, administrators, or assigns; for which payment, well and truly to be made, I bind myself, my heirs, executors, and administrators, severally and firmly, by these presents.

Sealed with my seal. Dated the day of , one thousand eight hundred and . The condition of the

above obligation is such, that if the above bounden A. B., his heirs, executors, or administrators, shall well and truly pay or cause to be paid unto the above named C. D., his executors, administrators, or assigns, the just and full sum of five hundred dollars, in five equal annual payments, from the date hereof with annual interest, then the above obligation to be void; otherwise to remain in full force and virtue.

Sealed and delivered in presence of G. H. } A. B. [L. S.]

SECTION IV.

WILLS.

What is a will, in law?

A will, when it operates upon personal property, is sometimes called a testament; and when upon real estate, a devise; but the more general name is, last will and testament, and embraces both.

Who are capable of making wills of personal property?

Every male person of the age of eighteen years and upwards, and every female of the age of sixteen years or upwards, of sound mind and memory, and no others, may give and bequeath his or her personal estate in writing.

Is an unwritten will bequeathing personal property valid?

No, unless made by a soldier while in actual military service, or by a mariner while at sea.

Who may devise real estate?

All persons except idiots, persons of unsound mind, and infants.

May married women devise real or personal property?

Yes, both, if belonging to them in their own right, and not conveyed, given, granted, or devised to them by their husbands.

How must every last will and testament of real and personal property, or both, be executed and attested?

It must be subscribed by the testator at

the end of the will; such subscription must be made by the testator, in the presence of each of the attesting witnesses, or acknowledged by him to have been so made to each of the attesting witnesses; the testator must, at the time of making such subscription or acknowledgment, declare the instrument so subscribed to be his last will and testament; there must be at least two attesting witnesses, each of whom must sign his name as a witness at the end of the will, at the request of the testator, and each must write opposite his name his place of residence; and whoever writes the name of any testator to any will by his direction must write his own name as a witness to the will; and any person neglecting to comply with the above provisions will be liable to a forfeiture of fifty dollars.

Will fraud vitiate a will?

Yes.

What effect will a subsequent marriage and birth of a child have upon the will?

It will operate as a revocation if there be no provision made for the wife and child.

How is it with the will of an unmarried woman if she subsequently marries?

Her will is revoked.

How may a will be revoked or altered?

A will is revoked by a subsequent will, or destruction of the will by the testator or by his direction, and must be proved by at least two witnesses; and the will may be altered by an addition, or supplement, in writing, and is commonly known as a codicil.

The following is the usual form of a will:

In the name of God, Amen.

I being of sound mind and memory, and considering the uncertainty of this frail and transitory life, do therefore make, ordain, publish, and declare this to be my last will and testament: That is to say, First, after all my lawful debts are paid and discharged, I give and bequeath

Likewise I make, constitute, and appoint

to be executor of this my last will and testa-

ment, hereby revoking all former wills by me made.

In witness whereof, I have hereunto subscribed my name and affixed my seal, the day of , in the year of our Lord one thousand eight hundred and

The above written instrument was subscribed by the said in our presence, and acknowledged by to each of us: and at the same time declared the above instrument so subscribed to be last will and testament; and we, at request, have signed our names as witnesses hereto, and written opposite our names our respective places of residence.

A B. [L. S.]

JOHN R. TUTTLE, residing in Otisco, Onondaga Co., N. Y.

B. J. C. HOWE, residing in Vesper, Onondaga Co., N. Y.

A codicil may be in the following form:

Whereas, I, A B, of , have made my last will and testament in writing, bearing date the day of in and by which I have given and bequeathed,

&c. (Here set forth the bequest which the testator desires to change.) Now, therefore, I do by this my writing, which I hereby declare to be a codicil to my said last will and testament, and to be taken as a part thereof, order and declare that my will is, that only the sum of
be paid to my daughter-in-law S B, in full of the said legacy given and bequeathed to her, and that the remainder of said legacy be given and paid to my nephew R R. And, lastly, it is my desire that this codicil be annexed to and made a part of my last will and testament, as aforesaid, to all intents and purposes. In witness, &c. (as in the will, except that the attestation will read "as and for a codicil to his last will," &c.)

Interest on one Dollar.

Days.	7 per cent.	6 per cent.
1	.00019	.00016
2	.00039	.00033
3	.00058	.00050
4	.00078	.00066
5	.00097	.00083
6	.00117	.00100
7	.00136	.00116
8	.00156	.00133
9	.00175	.00150
10	.00194	.00166
11	.00214	.00183
12	.00233	.00200
13	.00253	.00216
14	.00272	.00233
15	.00292	.00250
16	.00311	.00266
17	.00331	.00283
18	.00350	.00300
19	.00369	.00316
20	.00389	.00333
21	.00408	.00350
22	.00428	.00366
23	.00447	.00383
24	.00467	.00400
25	.00486	.00416
26	.00506	.00433
27	.00525	.00450
28	.00544	.00466
29	.00564	.00483
30	.00583	.00500

Months.	7 per cent.
1	.00583
2	.01167
3	.01750
4	.02333
5	.02917
6	.03500
7	.04083
8	.04667
9	.05250
10	.05833
11	.06417
12	.07000

Months.	6 per cent.
1	.005
2	.010
3	.015
4	.020
5	.025
6	.030
7	.035
8	.040
9	.045
10	.050
11	.055
12	.060

Discount on one Dollar at Seven per cent.

Days.	
1	.000191
2	.000382
3	.000574
4	.000766
5	.000957
6	.001148
7	.001330
8	.001531
9	.001722
10	.001913
11	.002104
12	.002295
13	.002486
14	.002677
15	.002867
16	.003058
17	.003249
18	.003487
19	.003680
20	.003873
21	.004066
22	.004259
23	.004451
24	.004644
25	.004837
26	.005029
27	.005222
28	.005414
29	.005606
30	.005800

Months.	
1	.005800
2	.011531
3	.017198
4	.022800
5	.028339
6	.033815
7	.039230
8	.044585
9	.049880
10	.055117
11	.060297
12	.065420